

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Bison School District
Accountability Review - Focus Monitoring Report 2008-2009**

Team Members: Chris Sargent and Donna Huber, Education Specialists

Dates of On Site Visit: November 12, 2008

Date of Report: December 8, 2008

3 month update due: March 8, 2009

Date Received:

6 month update due: June 8, 2009

Date Received:

9 month update due: September 8, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 13, 2003.

ARSD: 24:05:25:26 Extended School Year

The district shall provide special education or special education and related services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of FAPE. The IEP team shall determine the length of the school day and duration of extended school year services based on the individual child's needs. In implementing the requirements of this section, a district may not:

- (1) Limit extended school year services to particular categories of disability;
- (2) Unilaterally limit the type, amount, or duration of those services; or
- (3) Apply a regression/recoupment criterion to children in need of prolonged assistance.

File reviews and interviews with district staff revealed a need for additional training in the area of extended school year (ESY) services. ESY services documented in one student's IEP stated, "Summer school services continue with the IEP goals, June of 2003 to July of 2003, 360 minutes per week." In another file, the date to determine whether ESY services were needed was the date of the student's IEP. In addition, the ESY page was omitted from the IEP when services were not going to be provided. In discussing how ESY services were determined and implemented, the monitoring team concluded Bison's special education staff did not have a clear understanding of extended school year or how to determine what services need to be provided for eligible students.

Follow-up: November 12, 2008

Finding:

Through interview and a review of student record the monitoring team found that the type of ESY service, beginning date of service and amount of service were not documented in the IEP for student #5. The ESY services for student #6 added instruction in daily living skills which were not part of the student program. ESY service is intended to maintain a student skills level rather than to advance or develop new skills.

Corrective Action: Document the specific activities	Timeline for	Person(s)	(SEP Use
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and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Completion	Responsible	Only) Date Met
Activity/Procedure: The district will develop a step by step procedure that will be implemented outlining the data collection required for determining the need for ESY services, the district criteria for recoupment and process used for determining the need for ESY services. The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report. Data Collection: The district will submit copies of all student IEPs written during the progress reporting period who the team determined ESY services were needed.	March 1, 2009	District Sped. Director and Staff	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 13, 2003.

24:05:30:04. Prior notice and parent consent

Written notice must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

The monitors found that prior notice/consent was not obtained for transition evaluations administered to two students.

Follow-up: November 12, 2008

Finding:

Through a review of student record the monitoring team noted a variety of concerns. A variety of prior notice documents are used in the district, some contained appropriate content and some did not. An articulation evaluation was to be conducted for student # 1 but there was no evidence this occurred. A behavior evaluation was to be administered for student #2 but there was no evidence it was conducted. The prior notice/consent indicated that a "Psychological" evaluation was to be administered in addition to the ability evaluation for student #8. There was no evidence of this additional evaluation. An ability evaluation was administered for student # 5 without parent consent and there was no prior notice in the record for the 2-26-08 meeting for student # 7.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure:			

<p>The district will select and all staff will use one version of the prior notice/consent document that contains all required content.</p> <p>The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report.</p> <p>Data Collection:</p> <p>Each special education teacher will submit a copy of:</p> <ol style="list-style-type: none"> 1. the prior notice/consent document 2. copies of all the evaluation reports including functional, 3. a copy of the prior notice for the eligibility/IEP meeting, and; 4. a copy of the IEP <p>For one initial evaluation or reevaluation that has been conducted during the progress reporting period.</p>	<p>March 1, 2009</p>	<p>District Sped. Director and Staff</p>	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 13, 2003.

24:05:27:01.03 Content of individualized education program

A student's IEP must contain present levels of performance based upon the skill areas affected by the students identified disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. In three files reviewed, the present levels of performance were not linked to evaluation and did not contain specific skills to develop student IEPs or determine how the student's disability effected his/her involvement and progress in the general curriculum.

ARSD 24:05:25:04 Evaluation procedures

School districts shall insure a child is assessed in all areas of related to the suspected disability and that evaluation procedures include a variety of assessment tools and strategies to gather relevant functional and developmental information about the child, including information provided by parents, that may assist in developing the content of the child's IEP. Refer to Principle Five, Individual Education Program for additional information in this area.

The file review process with the special educator revealed additional training is needed regarding the link between evaluation, skill areas affected by the disability, present levels of performance and annual goals.

In two files reviewed there was no evidence that functional assessments had been given; therefore, the present levels of performance did not link to evaluation. In another file, functional assessment was given; however, the analysis did not provide specific skills to develop the IEP. In addition, the monitors found that the annual goal(s) did not consistently link to the present levels of performance. In two transition-age student files reviewed, the student's strengths and needs for transition were not included in the present levels of performance.

Follow-up: November 12, 2008

Finding:

Through interview and review of student records the monitoring team found that functional assessment information was not consistently analyzed and documented into a written report that could be provided to parents (Student # 1, 2, 4, 8). The ability evaluation report was not present in the file for student # 6 and the speech evaluation report could not be found for student # 5. Annual goals were not skill based observable and typically replicated content standards.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will develop and implement a report format that will be used for analyzing and documenting all functional assessment information which will be provided to parents. Annual goals will be individually developed from the needs list in the present levels of academic achievement and functional performance. The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report. Data Collection: Refer to the data submitted for General Supervision #2 above.	March 1, 2009	District Sped. Director and Staff	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 13, 2003.

24:05:27:13.02. Transition services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. For each student, beginning at age 14, the IEP must include a statement of the transition service needs of the student that focuses on the student's course of study. For each student, beginning at age sixteen, a statement of the needed transition services is required including interagency responsibilities or any needed linkages.

Technical assistance activities with the special educator revealed additional training is needed in the area of transition planning. Life planning outcomes did not reflect an area of employment the student may be interested in pursuing or the student's preference for living arrangements. The transition service recommendations did not represent specific needs of the student but listed computer programs or curriculum.

Follow-up: November 12, 2008

Finding:

Through a review of student records the monitoring team noted that the measurable post secondary goals for students of transition age were not written using first person language.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will write measurable post secondary goals for students using first person language, for example, "I will work..." The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report. Data Collection: The district will submit IEPs for two students of transition age that have been reviewed/revised during the progress reporting period.	March 1, 2009	District Sped. Director and Staff	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

5. GENERAL SUPERVISION

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Finding: On-site November 12, 2008

Through a review of 4 student files, data gathered by the review team indicated accommodations/modifications were not consistently provided in the student's instructional program.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report. 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the	April 30, 2009	Special Education Director and Staff & Testing	

<p>appropriate documentation and provision of accommodations for state/district assessments.</p> <p>3. Train IEP staff and testing coordinator in the procedures/process.</p> <p>4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.</p> <p>Data Collection: The district will collect and submit to SEP the following data:</p> <p>1. Written description of the districts review process to identify why the discrepancies are occurring.</p> <p>2. Written description of the process the district will implement to correct the discrepancies.</p> <p>3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the name of all participants/position titles, who attended the training.</p>		Coordinator	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

6. GENERAL SUPERVISION

Present levels:

ARSD 24:05:25:07. Additional procedures for evaluating specific learning disabilities.

In order for a school district to certify a child as learning disabled for purposes of the federal child count, requirements in §§ 24:05:24.01:19 and 24:05:25:08 to 24:05:25:13, inclusive, must be met and documented in a child's record.

Finding:

Through a review of student records the monitoring found that a variety of forms had been used for certifying a child as learning disabled. Required content and/or information were not present in the report for students 1, 4, 5 and 8.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The district will select and all staff will use one version of the multidisciplinary team report/eligibility document that contains all required content. The district will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report.</p> <p>Data Collection: Each special education teacher will submit a copy of a multidisciplinary team report/eligibility document from an initial evaluation or reevaluation that has been conducted during the progress reporting period,</p>	March 1, 2009	District Sped. Director and Staff	

for a student who has been determined eligible under the specific learning disability category.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

1. LEAST RESTRICTIVE ENVIRONMENT

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 13, 2003.

ARSD 24:05:28:01. Least restrictive program to be provided

Children in need of special education or special education and related services shall be provided special programs and services to meet with individual needs which are coordinated with the regular educational program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

ARSD 24:05:27:01.03 Content of individualized education program

The IEP must contain an explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities.

Technical assistance activities with the special educator and file reviews revealed a need for additional training in the area of least restrictive environment. The provision of special education services contained the student's class schedule rather than addressing the special education and related services to be provided or the description, amount and location of services. The special educator revealed a lack of understanding in how to document the services needed by a student. The justification for placement did not describe why the student's instruction could not be provided in the regular education setting or correlate with the student's present levels of performance.

Follow-up: November 12, 2008

Finding:

The IEP must include information regarding the amount of services that will be provided to the child, so that the level of the district's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

Through interview and a review of student records 2, 4, 5 and 6, the monitoring team concluded the district did not specifically state the services to be provided in the students IEP. The IEPs simply stated "special education services" along with a total amount of time and location. The justification for placement did not describe the students instructional need used as a basis for removing the student from the general education setting.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure:			

<p>The district will receive technical assistance in regard to determining the services to be provided, the justification for placement and the documentation of such. Technical assistance date, provider and participants will be reported as part of the progress report.</p> <p>Data Collection: Each special education teacher will submit two IEPs that have been reviewed and revised during the progress reporting period.</p>	<p>March 1, 2009</p>	<p>District Sped. Director and Staff</p>	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report: